

**UNITED STATES BANKRUPTCY COURT  
District of New Jersey**

IN RE: David G Filippini

Case No.: 17-25396-SLM

Judge: Meisel

Debtor(s)

**CHAPTER 13 PLAN AND MOTIONS**

☐ Original

☒ Modified/Notice Required

Date:

October 25, 2017

☒ Motions Included

☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE.

**YOUR RIGHTS WILL BE AFFECTED.**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☒ DOES ☐ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney SET

Initial Debtor: DGF

Initial Co-Debtor \_\_\_\_\_

**Part 1: Payment and Length of Plan**

a. The debtor shall pay \$500.00 monthly to the Chapter 13 Trustee, starting August 2017 for approximately 36 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

<input checked="" type="checkbox"/>  <input type="checkbox"/>	Future Earnings Other sources of funding (describe source, amount and date when funds are available):
<p>c. Use of real property to satisfy plan obligations:</p> <div style="margin-left: 20px;"> <input type="checkbox"/> Sale of real property                      Description:                      Proposed date for completion: _____                 </div> <div style="margin-left: 20px; margin-top: 10px;"> <input type="checkbox"/> Refinance of real property:                      Description:                      Proposed date for completion: _____                 </div> <div style="margin-left: 20px; margin-top: 10px;"> <input checked="" type="checkbox"/> Loan modification with respect to mortgage encumbering property:                      Description: <b>49 Siek Road, Kinnelon, NJ 07405</b>                      Proposed date for completion: <b>February 2018</b> </div> <p>d. <input checked="" type="checkbox"/> The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.</p> <p>e. <input type="checkbox"/> Other information that may be important relating to the payment and length of plan:</p>	

**Part 2: Adequate Protection**

☒ **NONE**

- a. Adequate protection payments will be made in the amount of \$ \_\_\_\_ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_ (creditor).
- b. Adequate protection payments will be made in the amount of \$ \_\_\_\_ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: \_\_\_\_ (creditor).

**Part 3: Priority Claims (Including Administrative Expenses)**

- a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
<b>Scott E. Tanne</b>	<b>Attorney Fees</b>	<b>2,855.00</b>

- b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:  
 Check one:
- ☒ None
- ☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
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#### Part 4: Secured Claims

##### a. Curing Default and Maintaining Payments on Principal Residence: ☐ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor In Plan	Regular Monthly Payment Outside Plan
Pacific Union Financial	49 Siek Road Butler, NJ 07405	46,500.30, according to proof of claim filed by creditor	0.00	creditor to receive disbursements toward arrears through Plan while loan modification application is pending. remaining arrears to be cured through loan modification	currently 2,795.08. payments to be made pursuant to note and mortgage

##### b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
-NONE-					

##### c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation

##### d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☒ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
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2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

**e. Surrender ☒ NONE**

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
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**f. Secured Claims Unaffected by the Plan ☐ NONE**

The following secured claims are unaffected by the Plan:

Creditor

American Honda Finance

Regional Acceptance Co

State of New Jersey Department of Labor

**g. Secured Claims to be Paid in Full Through the Plan ☒ NONE**

Creditor	Collateral	Total Amount to be Paid through the Plan
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**Part 5: Unsecured Claims ☒ NONE**

a. **Not separately classified** allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$ \_\_\_ to be distributed *pro rata*
- ☐ Not less than \_\_\_ percent
- ☒ *Pro Rata* distribution from any remaining funds

b. **Separately Classified Unsecured** claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
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**Part 6: Executory Contracts and Unexpired Leases ☒ NONE**

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
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**Part 7: Motions ☐ NONE**

**NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.**

**a. Motion to Avoid Liens under 11 U.S.C. Section 522(f). ☐ NONE**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
Barclays Bank Delaware	49 Siek Road Butler, NJ 07405	Judgment Lien	2,665.00	440,000.00	0.00	440.456.03	ALL
Discover Financial	49 Siek Road Butler, NJ 07405	Judgment Lien	13,028.65	440,000.00	0.00	440.456.03	ALL

**b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☐ NONE**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
Barclays Bank Delaware	49 Siek Road Butler, NJ 07405	2,665.00	440,000.00	440,456.03	0.00	ALL
Discover Financial	49 Siek Road Butler, NJ 07405	13,028.65	440,000.00	440,456.03	0.00	ALL

**c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ NONE**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
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**Part 8: Other Plan Provisions**

**a. Vesting of Property of the Estate**

- ☒ Upon Confirmation  
☐ Upon Discharge

**b. Payment Notices**

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

**c. Order of Distribution**

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee Commissions
- 2) Other Administrative Claims
- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims
- 6) General Unsecured Claims

**d. Post-Petition Claims**

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

**Part 9: Modification ☐ NONE**

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: July 26, 2017

Explain below **why** the plan is being modified:

**Debtor's wife lost her job and now is receiving unemployment benefits.**

Explain below **how** the plan is being modified:

**Lowering monthly Trustee payment and proposing loan modification on real estate.**

Are Schedules I and J being filed simultaneously with this Modified Plan? ☒ Yes ☐ No

**Part 10 : Non-Standard Provision(s): Signatures Required**

Non-Standard Provisions Requiring Separate Signatures

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are void.

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Certification.

I certify under penalty of perjury that the plan contains no non-standard provisions other than those set forth in this final paragraph.

Date October 25, 2017

/s/ Scott E. Tanne

**Scott E. Tanne**

Date: October 25, 2017

**Attorney for the Debtor**

/s/ David G Filippini

**David G Filippini**

Date: \_\_\_\_\_

**Debtor**

\_\_\_\_\_  
**Joint Debtor**

**Signatures**

The Debtor(s) and the attorney for the Debtor(s) if any, must sign this Plan.

Date October 25, 2017

/s/ Scott E. Tanne

**Scott E. Tanne**

Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: October 25, 2017

/s/ David G Filippini

**David G Filippini**

Debtor

Date: \_\_\_\_\_

\_\_\_\_\_  
Joint Debtor

**Certificate of Notice Page 8 of 9**  
 United States Bankruptcy Court  
 District of New Jersey

In re:  
 David G Filippini  
 Debtor

Case No. 17-25396-SLM  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-2

User: admin  
 Form ID: pdf901

Page 1 of 2  
 Total Noticed: 47

Date Rcvd: Nov 08, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 10, 2017.

db  
 516973219 +David G Filippini, 49 Siek Road, Butler, NJ 07405-2022  
 ++AMERICAN HONDA FINANCE, P O BOX 168088, IRVING TX 75016-8088  
 (address filed with court: American Honda Finance, 201 Little Falls Dr,  
 Wilmington, DE 19808)  
 516973221 +Amex, P.O. Box 981537, El Paso, TX 79998-1537  
 516973220 +Amex, Correspondence, Po Box 981540, El Paso, TX 79998-1540  
 516973222 +Barclays Bank Delaware, 100 S West St, Wilmington, DE 19801-5015  
 516973223 +Barclays Bank Delaware, Po Box 8803, Wilmington, DE 19899-8803  
 516973224 +Chase Card, Po Box 15298, Wilmington, DE 19850-5298  
 516973225 +Court Officer J. Douglas Ort, Superior Court of New Jersey, Special Civil Part,  
 PO Box 337, Budd Lake, NJ 07828-0337  
 516973228 +Equifax, PO BOX 740241, Atlanta, GA 30374-0241  
 516973229 +Experian, PO BOX 9701, Allen, TX 75013-9701  
 516973231 +First Premier Bank, 601 S Minnesota Ave, Sioux Falls, SD 57104-4868  
 516973230 First Premier Bank, 601 S Minneapolis Ave, Sioux Falls, SD 57104  
 516973233 Fst Premier, 601 S Minneapolis Ave, Sioux Falls, SD 57104  
 516973234 +Fst Premier, 601 S Minnesota Ave, Sioux Falls, SD 57104-4824  
 516973236 +McCabe, Weisberg & Conway, PC, 216 Haddon Ave, Suite 201, Westmont, NJ 08108-2818  
 516973241 +Pressler & Pressler, 7 Entin Road, Parsippany, NJ 07054-5020  
 516973243 State of New Jersey, Department of Labor, PO BOX 951, Trenton, NJ 08625-0951  
 516973244 +Suzanne Filippini, 49 Siek Road, Butler, NJ 07405-2022  
 516973251 ++TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026  
 (address filed with court: Toyota Motor Credit Co, Po Box 8026, Cedar Rapids, IA 52408)  
 516973250 +Target, Po Box 673, Minneapolis, MN 55440-0673  
 516973249 +Target, C/O Financial & Retail Svcs, Mailstopn BT POB 9475, Minneapolis, MN 55440-9475  
 516991743 +Toyota Lease Trust, c/o Toyota Motor Credit Corporation, PO Box 9013,  
 Addison, Texas 75001-9013  
 516973252 +Trans Union, PO BOX 2000, Chester, PA 19022-2000

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Nov 08 2017 21:32:22 U.S. Attorney, 970 Broad St.,  
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534  
 smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Nov 08 2017 21:32:21 United States Trustee,  
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,  
 Newark, NJ 07102-5235  
 cr +E-mail/PDF: gecsedirecoverycorp.com Nov 08 2017 21:34:34  
 Synchrony Bank c/o PRA Receivables Management, LLC, PO BOX 41021, Norfolk, VA 23541-1021  
 516973218 E-mail/Text: ebnbankruptcy@ahm.honda.com Nov 08 2017 21:32:26 American Honda Finance,  
 Po Box 168088, Irving, TX 75016  
 516973227 E-mail/Text: mrdiscen@discover.com Nov 08 2017 21:32:11 Discover Financial, Po Box 15316,  
 Wilmington, DE 19850  
 516983323 E-mail/Text: mrdiscen@discover.com Nov 08 2017 21:32:11 Discover Bank,  
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025  
 516973226 +E-mail/Text: mrdiscen@discover.com Nov 08 2017 21:32:11 Discover Financial, Po Box 3025,  
 New Albany, OH 43054-3025  
 516973232 +E-mail/Text: fggbanko@fgny.com Nov 08 2017 21:32:12 Forster, Garbus & Garbus,  
 7 Banta Place, Hackensack, NJ 07601-5604  
 516973235 +E-mail/PDF: resurgentbknofifications@resurgent.com Nov 08 2017 21:34:14 LVNV Funding,  
 Po Box 10497, Greenville, SC 29603-0497  
 516973240 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Nov 08 2017 21:34:39  
 Portfolio Recovery, 120 Corporate Blvd Ste 1, Norfolk, VA 23502  
 516973239 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Nov 08 2017 21:47:27  
 Portfolio Recovery, Po Box 41067, Norfolk, VA 23541  
 517113694 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Nov 08 2017 21:34:39  
 Portfolio Recovery Associates, LLC, c/o Barclaycard, POB 41067, Norfolk VA 23541  
 517101143 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Nov 08 2017 21:34:39  
 Portfolio Recovery Associates, LLC, c/o The Home Depot, POB 41067, Norfolk VA 23541  
 516973237 +E-mail/Text: bankruptcy@loanpacific.com Nov 08 2017 21:32:41 Pacific Union Financial,  
 1603 Lbj Fwy Ste 500, Farmers Branch, TX 75234-6071  
 517131828 +E-mail/Text: bankruptcy@loanpacific.com Nov 08 2017 21:32:41 Pacific Union Financial, LLC,  
 1603 LBJ Freeway, Suite 500, Dallas, TX 75234-6071  
 516973238 +E-mail/Text: bankruptcy@plaingreenloans.com Nov 08 2017 21:32:33 Plain Green Loans,  
 93 Mack Rd Ste 600, Po Box 270, Box Elder, MT 59521-0270  
 517133644 +E-mail/Text: JCAP\_BNC\_Notices@jcap.com Nov 08 2017 21:32:27 Premier Bankcard, LLC,  
 Jefferson Capital Systems LLC Assignee, Po Box 7999, Saint Cloud Mn 56302-7999  
 516973242 +E-mail/PDF: RACBANKRUPTCY@BBANDT.COM Nov 08 2017 21:34:13 Regional Acceptance Co,  
 621 W Newport Pike, Wilmington, DE 19804-3235  
 516996740 E-mail/PDF: RACBANKRUPTCY@BBANDT.COM Nov 08 2017 21:34:13 Regional Acceptance Corporation,  
 PO Box 1847, Wilson, NC 27894-1847  
 516973245 +E-mail/PDF: gecsedirecoverycorp.com Nov 08 2017 21:34:11 Synch Bank/American Eagle,  
 Attn: Bankruptcy, Po Box 965064, Orlando, FL 32896-5064  
 516973246 +E-mail/PDF: gecsedirecoverycorp.com Nov 08 2017 21:34:23 Synch Bank/American Eagle,  
 Po Box 965005, Orlando, FL 32896-5005



District/off: 0312-2

User: admin  
Form ID: pdf901

Page 2 of 2  
Total Noticed: 47

Date Rcvd: Nov 08, 2017

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

516978864	+E-mail/PDF: gecsedirecoverycorp.com Nov 08 2017 21:34:11	Synchrony Bank, c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
516973247	+E-mail/PDF: gecsedirecoverycorp.com Nov 08 2017 21:34:35	Synchrony Bank/Walmart, Attn: Bankruptcy, Po Box 956060, Orlando, FL 32896-0001
516973248	+E-mail/PDF: gecsedirecoverycorp.com Nov 08 2017 21:34:11	Synchrony Bank/Walmart, Po Box 965024, Orlando, FL 32896-5024

TOTAL: 24

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Nov 10, 2017

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 7, 2017 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor Toyota Motor Credit Corporation  
dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com  
Marie-Ann Greenberg magecf@magtrustee.com  
Melissa S DiCerbo on behalf of Creditor Pacific Union Financial, LLC nj-ecfmail@mwc-law.com  
Scott E. Tanne on behalf of Debtor David G Filippini info@tannelaw.com, clerk@tannelaw.com  
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 5